

## SENATE BILL NO. 411

INTRODUCED BY B. TUTVEDT

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING REQUIREMENTS FOR AND ALLOWED CONTENT IN A LOCAL GOVERNMENT'S GROWTH POLICY AS IT RELATES TO SAND AND GRAVEL RESOURCES; REQUIRING A GROWTH POLICY TO INCLUDE ~~IDENTIFICATION OF PRIVATELY OWNED SAND AND GRAVEL RESOURCES AND STATE HOW THE RESOURCE OWNER'S PROPERTY AND DEVELOPMENT RIGHTS WILL BE PRESERVED;~~ SAND AND GRAVEL RESOURCES AMONG THE CHARACTERISTICS AND FEATURES THAT GROWTH POLICY JURISDICTIONAL AREA MAPS AND TEXT MUST DESCRIBE; AND AMENDING SECTION 76-1-601, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 76-1-601, MCA, is amended to read:

**"76-1-601. Growth policy -- contents.** (1) A growth policy may cover all or part of the jurisdictional area.

(2) The extent to which a growth policy addresses the elements listed in subsection (3) is at the full discretion of the governing body.

(3) A growth policy must include:

(a) community goals and objectives;

(b) maps and text describing an inventory of the existing characteristics and features of the jurisdictional area, including:

(i) land uses;

(ii) population;

(iii) housing needs;

(iv) economic conditions;

(v) local services;

(vi) public facilities;

(vii) natural resources; ~~and~~

(VIII) SAND AND GRAVEL RESOURCES; AND

~~(viii)~~ (IX) other characteristics and features proposed by the planning board and adopted by the governing

- 1 bodies;
- 2 (c) projected trends for the life of the growth policy for each of the following elements:
- 3 (i) land use;
- 4 (ii) population;
- 5 (iii) housing needs;
- 6 (iv) economic conditions;
- 7 (v) local services;
- 8 (vi) natural resources; and
- 9 (vii) other elements proposed by the planning board and adopted by the governing bodies;
- 10 (d) a description of policies, regulations, and other measures to be implemented in order to achieve the
- 11 goals and objectives established pursuant to subsection (3)(a);
- 12 (e) a strategy for development, maintenance, and replacement of public infrastructure, including drinking
- 13 water systems, wastewater treatment facilities, sewer systems, solid waste facilities, fire protection facilities,
- 14 roads, and bridges;
- 15 (f) an implementation strategy that includes:
- 16 (i) a timetable for implementing the growth policy;
- 17 (ii) a list of conditions that will lead to a revision of the growth policy; and
- 18 (iii) a timetable for reviewing the growth policy at least once every 5 years and revising the policy if
- 19 necessary;
- 20 (g) a statement of how the governing bodies will coordinate and cooperate with other jurisdictions that
- 21 explains:
- 22 (i) if a governing body is a city or town, how the governing body will coordinate and cooperate with the
- 23 county in which the city or town is located on matters related to the growth policy;
- 24 (ii) if a governing body is a county, how the governing body will coordinate and cooperate with cities and
- 25 towns located within the county's boundaries on matters related to the growth policy;
- 26 (h) a statement explaining how the governing bodies will:
- 27 (i) define the criteria in 76-3-608(3)(a); and
- 28 (ii) evaluate and make decisions regarding proposed subdivisions with respect to the criteria in
- 29 76-3-608(3)(a);
- 30 (i) a statement explaining how public hearings regarding proposed subdivisions will be conducted; ~~and~~

1 AND

2 (j) an evaluation of the potential for fire and wildland fire in the jurisdictional area, including whether or  
3 not there is a need to:

4 (i) delineate the wildland-urban interface; and

5 (ii) adopt regulations requiring:

6 (A) defensible space around structures;

7 (B) adequate ingress and egress to and from structures and developments to facilitate fire suppression  
8 activities; and

9 (C) adequate water supply for fire protection; ~~and~~

10 ~~— (k) identification of the privately owned sand and gravel resources within the jurisdictional area and a~~  
11 ~~statement of how the governing bodies will preserve the property rights and development rights of the owners~~  
12 ~~of those resources as land in the jurisdictional area undergoes zoning, subdivision, and other land use processes~~  
13 ~~regulated by the governing bodies.~~

14 (4) A growth policy may:

15 (a) include one or more neighborhood plans. A neighborhood plan must be consistent with the growth  
16 policy.

17 (b) establish minimum criteria defining the jurisdictional area for a neighborhood plan;

18 (c) establish an infrastructure plan that, at a minimum, includes:

19 (i) projections, in maps and text, of the jurisdiction's growth in population and number of residential,  
20 commercial, and industrial units over the next 20 years;

21 (ii) for a city, a determination regarding if and how much of the city's growth is likely to take place outside  
22 of the city's existing jurisdictional area over the next 20 years and a plan of how the city will coordinate  
23 infrastructure planning with the county or counties where growth is likely to take place;

24 (iii) for a county, a plan of how the county will coordinate infrastructure planning with each of the cities  
25 that project growth outside of city boundaries and into the county's jurisdictional area over the next 20 years;

26 (iv) for cities, a land use map showing where projected growth will be guided and at what densities within  
27 city boundaries;

28 (v) for cities and counties, a land use map that designates infrastructure planning areas adjacent to cities  
29 showing where projected growth will be guided and at what densities;

30 (vi) using maps and text, a description of existing and future public facilities necessary to efficiently serve

1 projected development and densities within infrastructure planning areas, including, whenever feasible, extending  
2 interconnected municipal street networks, sidewalks, trail systems, public transit facilities, and other municipal  
3 public facilities throughout the infrastructure planning area. For the purposes of this subsection (4)(c)(vi), public  
4 facilities include but are not limited to drinking water treatment and distribution facilities, sewer systems,  
5 wastewater treatment facilities, solid waste disposal facilities, parks and open space, schools, public access  
6 areas, roads, highways, bridges, and facilities for fire protection, law enforcement, and emergency services;

7 (vii) a description of proposed land use management techniques and incentives that will be adopted to  
8 promote development within cities and in an infrastructure planning area, including land use management  
9 techniques and incentives that address issues of housing affordability;

10 (viii) a description of how and where projected development inside municipal boundaries for cities and  
11 inside designated joint infrastructure planning areas for cities and counties could adversely impact:

12 (A) threatened or endangered wildlife and critical wildlife habitat and corridors;

13 (B) water available to agricultural water users and facilities;

14 (C) the ability of public facilities, including schools, to safely and efficiently service current residents and  
15 future growth;

16 (D) a local government's ability to provide adequate local services, including but not limited to  
17 emergency, fire, and police protection;

18 (E) the safety of people and property due to threats to public health and safety, including but not limited  
19 to wildfire, flooding, erosion, water pollution, hazardous wildlife interactions, and traffic hazards;

20 (F) natural resources, including but not limited to forest lands, mineral resources, sand and gravel  
21 resources, streams, rivers, lakes, wetlands, and ground water; and

22 (G) agricultural lands and agricultural production; and

23 (ix) a description of measures, including land use management techniques and incentives, that will be  
24 adopted to avoid, significantly reduce, or mitigate the adverse impacts identified under subsection (4)(c)(viii).

25 (5) The planning board may propose and the governing bodies may adopt additional elements of a  
26 growth policy in order to fulfill the purpose of this chapter."

27 - END -